

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

~~NYPD, F, Pr~~  
~~Hossam ARAFA~~

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

~~NYPD,~~  
~~T. Prescod #4974~~

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Amended  
Complaint for a Civil Case

Case No. 1:22-cv-04475 PKC-MMH  
(to be filled in by the Clerk's Office)

Jury Trial: ☐ Yes ☒ No  
(check one)



**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Itossam ARAFA</u>
Street Address	<u>34-06 Jordan St 12D</u>
City and County	<u>FLUSHING</u>
State and Zip Code	<u>NY 11358</u>
Telephone Number	<u>347-348-2338</u>
E-mail Address	<u></u>

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name	<u>T. Prescod</u>
Job or Title (if known)	<u>Officer</u>
Street Address	<u></u>
City and County	<u></u>
State and Zip Code	<u></u>
Telephone Number	<u></u>
E-mail Address (if known)	<u></u>

**Defendant No. 2**

Name	<u>NYPD - State of New York</u>
Job or Title (if known)	<u></u>
Street Address	<u></u>
City and County	<u></u>

State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known)

**Defendant No. 3**

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known)  
 Street Address City \_\_\_\_\_  
 and County State \_\_\_\_\_  
 and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known)

**Defendant No. 4**

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known)  
 Street Address City \_\_\_\_\_  
 and County State \_\_\_\_\_  
 and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

---



---



---

**B. If the Basis for Jurisdiction Is Diversity of Citizenship**

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Hossam, is a citizen of the State of  
(name) ARABIA Hossam

b. If the plaintiff is a corporation

The plaintiff, (name) \_\_\_\_\_, is incorporated under the  
laws of the State of (name) \_\_\_\_\_, and has its  
principal place of business in the State of (name) \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) MYPD, is a citizen of the State  
of (name) \_\_\_\_\_. Or is a citizen of (foreign nation)  
\_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

---

---

---

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Fail of arrested  
NO Miranda right. Miranda warning  
~~Malicious Prosecution~~ Malicious Prosecution  
Search the house without warrant  
False imprisonment

## **Amending Complaint**

**To the Clerk of the Court and to whom it may concern**

**My name is Hossam arafa with case no # 1:22-cv-04475-PKC-MMH**

**Regarding my case - (1) Troy Prescod. Badge# 4974. Grand larcetive Division (2) the city of New York ( Detective prescod's employer) . and my civil rights violation.**

- 1- Detective Prescod walked into my home the night of my arrest, with no warrant; arrest or search.**
- 2- I was in my home, 34-06 Jordan st apt 12D, when he trespassed and searched through my home.**
- 3- These occurrences happened the day of my arrest: 5/31/2018**
- 4- I was shown no arrest warrant or search warrant when Det. Prescod barged into my home, as his fellow officer stood by the front door.**
- 5- I was taken to custody at the 111th precinct for questioning.**

**6- I was held for questioning for 8 hours on 5/31/2018 at the 111th precinct, where I was then transferred to Queens County Court, where I was held for an extra day, shortly after I was transferred to Rikers Island for the next 17 days.**

**7- There are 5 charges that were falsely brought up on my behalf. The charges are as follow;**

- Burglary in the Third Degree**
- Grand Larceny in the Third Degree**
- Criminal Mischief in the Second Degree**
- Criminal Mischief in the Fourth Degree**
- Grand Larceny in the Fourth Degree**

**8- The Supreme Court of New York**

**9- the case was dismissed as of 03/02/2020**

**10- Upon my arrest, my Miranda rights were waived and not repeated to me. After leaving Rikers, I had to file a police report against the NYPD, for harassment, for I was being followed and pursued, for a case that was dropped.**





**NYPD**  
NEW YORK CITY POLICE DEPARTMENT  
Queens North Grand Larceny Squad

**Troy Prescod**  
Detective

137-58 Northern Boulevard  
Flushing, NY 11354

Office: 718-321-2775  
Cell: ~~2107~~  
Fax: 718-321-1991  
troy.prescod@nypd.org

**917-207-2567**



**INCIDENT INFORMATION SLIP**  
PD 301-164 (Rev. 07-15)

**Report #**  
**2107**

Welcome to 111 PRECINCT 45-06 215 Street, Bayside, NY 11361 718-279-5200 Date: 8/23/20  
(Command) (Address) (Telephone No.)

We hope that your business with us was handled satisfactorily. Your particular matter has been assigned the following number(s):

Complaint Report No.: 2020-111-2107 Accident Report No.: \_\_\_\_\_ Aided Report No.: \_\_\_\_\_

Reported to: \_\_\_\_\_ Date of Occurrence: 8/22/20 Time: 11:30  
(Rank) (Name) (Shield No.)

Location of Occurrence: \_\_\_\_\_

Crime: Harassment

Please keep this report should you have to refer to this matter in the future. If you need any further assistance feel free to contact us at telephone number 718-279-5208, 09. Please let us know if you have any suggestions on how we can better serve you. As you may already know, we will provide you with a crime prevention survey of your residence or business. Please ask for more information on this and other crime prevention initiatives. Our goal is to make you and your property safe.

**COURTESY — PROFESSIONALISM — RESPECT**  
**REMEMBER: CALL "911" FOR EMERGENCIES ONLY!!!!**



SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NY 11415

FEE: \$10.00

CERTIFICATE OF DISPOSITION DISMISSAL

DATE: 03/02/2020

CERTIFICATE OF DISPOSITION NUMBER: 56842

PEOPLE OF THE STATE OF NEW YORK  
VS.

CASE NUMBER: 00616-2019  
LOWER COURT NUMBER(S): CR-019612-18QN  
DATE OF ARREST: 05/31/2018  
ARREST #: Q18622724  
DATE OF BIRTH: 10/19/1981  
DATE FILED: 04/25/2019

ARAFA, HOSSAM

DEFENDANT

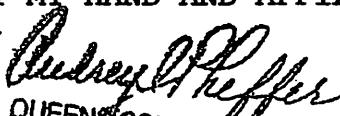
I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 02/27/2020 THE ABOVE ACTION WAS DISMISSED AND ALL PENDING CRIMINAL CHARGES RELATED TO THIS ACTION WERE ALSO DISMISSED BY THE HONORABLE MORRIS, G THEN A JUDGE OF THIS COURT.

THE DEFENDANT WAS DISCHARGED FROM THE JURISDICTION OF THE COURT.

THE ABOVE MENTIONED DISMISSAL IS A TERMINATION OF THE CRIMINAL ACTION IN FAVOR OF THE ACCUSED AND PURSUANT TO SECTION 160.60 OF THE CRIMINAL PROCEDURE LAW "THE ARREST AND PROSECUTION SHALL BE DEEMED A NULLITY AND THE ACCUSED SHALL BE RESTORED, IN CONTEMPLATION OF LAW, TO THE STATUS OCCUPIED BEFORE THE ARREST AND PROSECUTION".

PURSUANT TO SECTION 160.50(1C) OF THE CRIMINAL PROCEDURE LAW, ALL OFFICIAL RECORDS AND PAPERS RELATING TO THIS CASE ARE SEALED.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 03/02/2020.

  
QUEENS COUNTY CLERK  
COURT CLERK

Marijuana convictions under PL 221.05 or PL 221.10 are vacated, dismissed and expunged as of August 28, 2019. The court system is in the process of updating its records, but in the meantime, it is an unlawful discriminatory practice unless specifically required or permitted by statute, for any entity to make any inquiry about an expunged conviction or to use an expunged conviction adversely, whether in any form of application or otherwise, against such individual.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

SUPREME COURT OF THE STATE OF NEW YORK  
QUEENS COUNTY  
125-01 QUEENS BOULEVARD  
KEW GARDENS, NY 11415

FEE:\$10.00

CERTIFICATE OF DISPOSITION - BAIL EXONERATION

DATE: 03/02/2020

CERTIFICATE OF DISPOSITION NUMBER: 56843

PEOPLE OF THE STATE OF NEW YORK  
VS.

CASE NUMBER: 00616-2019  
LOWER COURT NUMBER(S): CR-019612-18QN  
DATE OF ARREST: 05/31/2018  
ARREST #: Q18622724  
DATE OF BIRTH: 10/19/1981  
DATE FILED: 04/25/2019

ARAFA, HOSSAM

DEFENDANT

I HEREBY CERTIFY THAT IT APPEARS FROM AN EXAMINATION OF THE RECORDS ON FILE IN THIS OFFICE THAT ON 02/27/2020 IN PART TAP A BEFORE JUDGE MORRIS, G THE BOND IN THE AMOUNT OF \$10,000 WAS EXONERATED.

NO SURETY INFORMATION ON FILE

DATE POSTED: 04/25/2019

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL ON THIS DATE 03/02/2020.

*Audrey P. Heffer*  
QUEENS COUNTY CLERK

COURT CLERK

Marijuana convictions under PL 221.05 or PL 221.10 are vacated, dismissed and expunged as of August 28, 2019. The court system is in the process of updating its records, but in the meantime, it is an unlawful discriminatory practice unless specifically required or permitted by statute, for any entity to make any inquiry about an expunged conviction or to use an expunged conviction adversely, whether in any form of application or otherwise, against such individual.

Pursuant to section 70.15 of the Penal Law, any misdemeanor sentence with a jail term of "1 year", "12 months", or "365 days" is, by operation of law, deemed to be a sentence of 364 days. Any Certificate of Disposition indicating a jail sentence of "1 year", "12 months", "52 weeks", or "365 days" for a misdemeanor conviction shall be interpreted as a sentence of 364 days.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

1. Dismiss the officer to prevent this from happening again with someone else
2. Compensating me in the amount of one million dollars for everything that happened to me during this time from lawyer bail bond 17 days and physically & mentally

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 4/6, 2023

Signature of Plaintiff

Printed Name of Plaintiff

  
Hussam A RAFA